



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
Supplement No. 53\*

FIFTY-NINTH LEGISLATURE

Thursday, March 24, 2005

74th Day - 2005 Regular

## SENATE

SB 5160  
SB 5285-S  
SB 5432-S  
SB 5445-S  
SB 5510  
SB 5952-S  
SB 6095

## HOUSE

HB 2297  
HB 2298  
HB 2299  
HB 2300  
HB 2301

## LIST OF BILLS IN DIGEST SUPPLEMENTS

See 2005 Regular, Supplement 46 for List of Bills for Supplements 1 through 46

## SENATE

SB 5060-S ..... Supp. 49  
SB 5089 ..... Supp. 52  
SB 5110 ..... Supp. 52  
SB 5111-S2 ..... Supp. 52  
SB 5186-S ..... Supp. 52  
SB 5275-S ..... Supp. 49  
SB 5348-S ..... Supp. 49  
SB 5581-S2 ..... Supp. 52  
SB 5736-S ..... Supp. 49  
SB 5872-S ..... Supp. 49  
SB 5962 ..... Supp. 47  
SB 5966 ..... Supp. 52  
SB 5983-S ..... Supp. 47  
SB 6086 ..... Supp. 47  
SB 6087 ..... Supp. 47  
SB 6088 ..... Supp. 48  
SB 6089 ..... Supp. 48  
SB 6090 ..... Supp. 52  
SB 6091 ..... Supp. 52  
SB 6092 ..... Supp. 52  
SB 6093 ..... Supp. 52  
SB 6094 ..... Supp. 52  
SJM 8022 ..... Supp. 52

## HOUSE

HB 1016 ..... Supp. 50  
HB 1029-S ..... Supp. 50  
HB 1068 ..... Supp. 50  
HB 1079-S ..... Supp. 47  
HB 1246 ..... Supp. 48  
HB 1268 ..... Supp. 49  
HB 1291-S2 ..... Supp. 50  
HB 1314-S ..... Supp. 47  
HB 1401-S ..... Supp. 48  
HB 1561 ..... Supp. 48  
HB 1607-S ..... Supp. 49  
HB 1640-S ..... Supp. 50  
HB 1830-S ..... Supp. 51  
HB 1883-S ..... Supp. 52  
HB 1903-S ..... Supp. 50  
HB 1917 ..... Supp. 51  
HB 1970-S2 ..... Supp. 47  
HB 2069-S2 ..... Supp. 51  
HB 2097-S ..... Supp. 52  
HB 2185 ..... Supp. 50  
HB 2254 ..... Supp. 49  
HB 2259-S2 ..... Supp. 51  
HB 2292 ..... Supp. 48  
HB 2293 ..... Supp. 48  
HB 2294 ..... Supp. 49  
HB 2295 ..... Supp. 49  
HB 2296 ..... Supp. 51  
HCR 4409 ..... Supp. 50  
HCR 4410 ..... Supp. 51

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**House Bills**


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**HB 2297** by Representative Sommers; by request of Governor Gregoire

Making 2005-07 operating appropriations.  
Makes 2005-07 operating appropriations.

**-- 2005 REGULAR SESSION --**

Mar 23 First reading, referred to Appropriations.

**HB 2298** by Representatives Dunshee and Jarrett; by request of Governor Gregoire

Making appropriations and authorizing expenditures for capital improvements.  
Makes appropriations and authorizes expenditures for capital improvements.

**-- 2005 REGULAR SESSION --**

Mar 23 First reading, referred to Capital Budget.

**HB 2299** by Representatives Dunshee and Jarrett; by request of Office of Financial Management

Issuing general obligation bonds.

Authorizes the state finance committee to issue general obligation bonds of the state of Washington in the sum of one billion two hundred twenty-eight million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this act may be sold at such price as the state finance committee shall determine. No bonds authorized in this act may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

Provides that the proceeds from the sale of the bonds authorized in this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as indicated.

**-- 2005 REGULAR SESSION --**

Mar 23 First reading, referred to Capital Budget.

**HB 2300** by Representative Linville

Modifying water rights fees.  
Amends RCW 90.03.470 relating to increasing fees pertaining to water rights.

**-- 2005 REGULAR SESSION --**

Mar 23 First reading, referred to Appropriations.

**HB 2301** by Representatives Murray and Woods; by request of Governor Gregoire

Making 2005-07 transportation appropriations.  
Makes 2005-07 transportation appropriations.

**-- 2005 REGULAR SESSION --**

Mar 23 First reading, referred to Transportation.

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**Senate Bills**


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**SB 5160** by Senators Eide, Swecker, Berkey and Regala

Restricting use of wireless communications devices in moving motor vehicles.

(AS OF SENATE 2ND READING 3/15/05)

Declares that a person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction.

Does not apply to a person operating: (1) An authorized emergency vehicle;

(2) A moving motor vehicle using a wireless communications device in hands-free mode;

(3) A moving motor vehicle using a hand-held wireless communications device to: (a) Report illegal activity; (b) summon medical or other emergency help; (c) prevent injury to a person or property.

Declares that the state preempts the field of regulating the use of wireless communications devices in motor vehicles, and this act supersedes any local laws, ordinances, orders, rules, or regulations enacted by a political subdivision or municipality to regulate the use of wireless communications devices by the operator of a motor vehicle.

Provides that enforcement of this act by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this act or an equivalent local ordinance or some other offense.

Provides that, for the first six months after the effective date of this act, law enforcement officers may only issue verbal warnings for violations of this act.

Takes effect July 1, 2006.

**-- 2005 REGULAR SESSION --**

Jan 17 First reading, referred to Transportation.

Feb 1 TRAN - Majority; do pass.  
Minority; without recommendation.  
Passed to Rules Committee for second reading.

Feb 8 Made eligible to be placed on second reading.

Feb 15 Placed on second reading by Rules Committee.

Mar 15 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 28; nays, 18; absent, 3.

**- IN THE HOUSE -**

Mar 18 First reading, referred to Transportation.

**SB 5285-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Morton, Rockefeller, Honeyford, Kline, Mulliken and Oke)

Updating the water quality joint development act to provide local government flexibility for improving drinking water and treatment services. Revised for 1st Substitute: Updating the water quality joint development act to provide local government flexibility for improving drinking water and

treatment services. (REVISED FOR ENGROSSED: Updating the water quality joint development act to provide local government flexibility.)

(AS OF SENATE 2ND READING 3/15/05)

Revises the water quality joint development act to provide local government flexibility.

**-- 2005 REGULAR SESSION --**

- Feb 25 WEE - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.
- Mar 1 Made eligible to be placed on second reading.
- Mar 7 Placed on second reading by Rules Committee.
- Mar 15 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 43; nays, 3; absent, 3.

**- IN THE HOUSE -**

- Mar 18 First reading, referred to Local Government.

**SB 5432-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Spanel, Swecker, Poulsen, Doumit, Regala, Rockefeller, Pridemore, Haugen, Kohl-Welles, Fraser, Jacobsen, Shin and Kline)

Creating the oil spill monitoring and oversight council. Revised for 1st Substitute: Creating the citizens' oil spill advisory council. (REVISED FOR ENGROSSED: Creating the oil spill advisory council.)

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that, in section 5002 of the federal oil pollution act of 1990, the United States congress found that complacency on the part of industry and government was one of the contributing factors to the Exxon Valdez spill and, further, that one method to combat this complacency is to involve local citizens in the monitoring and oversight of oil spill plans. Moreover, congress concluded that, in addition to Alaska, a program of citizen monitoring and oversight should be established in other major crude oil terminals in the United States because recent oil spills indicate that the safe transportation of oil is a national problem.

Establishes in the office of the governor the oil spill monitoring and oversight council. The primary purpose of the council is to maintain the state's vigilance in the prevention of oil spills, while recognizing the importance of also improving preparedness and response. The council is an advisory body only and is not authorized to perform advocacy functions.

**-- 2005 REGULAR SESSION --**

- Feb 23 WEE - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
And refer to Ways & Means.
- Feb 24 Referred to Ways & Means.

- Mar 7 WM - Majority; do pass 1st substitute bill proposed by Water, Energy & Environment.  
Minority; do not pass.  
Minority; without recommendation.  
Passed to Rules Committee for second reading.
- Mar 10 Placed on second reading by Rules Committee.
- Mar 15 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 29; nays, 17; absent, 3.

**- IN THE HOUSE -**

- Mar 17 First reading, referred to Natural Resources, Ecology & Parks.

**SB 5445-S** by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Kline, Pridemore, Esser, Brown, Finkbeiner, Jacobsen, Benson, Swecker, Spanel, Regala, Poulsen, Rockefeller, Rasmussen, Kohl-Welles, Weinstein and McCaslin)

Clarifying Initiative 297.

(AS OF SENATE 2ND READING 3/10/05)

Finds that the intent of Initiative 297 is clearly stated in the intent and policy sections of the cleanup priority act as passed by the voters. The cleanup priority act makes the cleanup of contamination the top priority at sites with hazardous or mixed waste contamination. The cleanup priority act should be interpreted by the courts consistent with the clear intent of the voters, and the findings and clarifications in this act.

Finds that the cleanup priority act does not regulate radioactive materials, medical isotopes, other radioactive substances, or facilities exclusively regulated by the United States pursuant to the federal atomic energy act 42 U.S.C. Sec. 2011 et seq.

Finds that this act is not intended, nor may it be interpreted, to adversely affect the transportation, manufacturing, storage, or use of any hazardous substance or radioactive materials necessary for medical research, medical treatment, or manufacturing or industrial processes.

Declares it is in the interest of the state to clarify as quickly as possible that the cleanup priority act does not impact any business operation, or federal or private facility, that was not intended to be impacted by the cleanup priority act. Consistent with the intent of the voters, the legislature finds that the universe of regulated hazardous or dangerous wastes was not expanded by the passage of the cleanup priority act. Because court action has prevented the normal role of the department of ecology from issuing defining or interpretive rules, the legislature finds that adoption of the amendments to the cleanup priority act will ensure that the intent of the cleanup priority act is understood and clarified for the courts as well as for businesses or cleanup operations without delay.

**-- 2005 REGULAR SESSION --**

- Feb 17 WEE - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.

Passed to Rules Committee for second reading.  
 Feb 22 Made eligible to be placed on second reading.  
 Mar 7 Placed on second reading by Rules Committee.  
 Mar 10 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 34; nays, 15; absent, 0.

**- IN THE HOUSE -**

Mar 14 First reading, referred to Technology, Energy & Communications.

**SB 5510** by Senators Spanel and Kohl-Welles

Defining supervisor for public employment purposes. (REVISED FOR ENGROSSED: Allowing supervisory classes into the same bargaining unit at institutions of higher education.)

(AS OF SENATE 2ND READING 3/15/05)

Provides that at an institution of higher education, members of supervisory classes may be combined in the same bargaining unit, regardless of whether the individual members of the bargaining unit may be actually serving as a supervisor at any given point in time, subject to established community of interest standards as applied by the public employment relations commission, and upon the condition that no member of the bargaining unit supervises another member of the unit.

Provides that the consolidation of employees as authorized by this act will be performed by the public employment relations commission under established unit determination procedures.

**-- 2005 REGULAR SESSION --**

Jan 26 First reading, referred to Labor, Commerce, Research & Development.  
 Mar 2 LCRD - Majority; do pass. Minority; without recommendation. And refer to Ways & Means. Referred to Ways & Means.  
 Mar 7 WM - Majority; without recommendation. Passed to Rules Committee for second reading.  
 Mar 9 Made eligible to be placed on second reading.  
 Mar 10 Placed on second reading by Rules Committee.  
 Mar 15 Floor amendment(s) adopted. Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 47; nays, 0; absent, 2.

**- IN THE HOUSE -**

Mar 17 First reading, referred to Commerce & Labor.

**SB 5952-S** by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Jacobsen, Hewitt, Rasmussen and Kohl-Welles)

Exempting transport of persons at horse races from licensing.

(AS OF SENATE 2ND READING 3/15/05)

Exempts "trams" used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have an average daily traffic of not more than 15,000 vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this act, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another.

Exempts an operator who is transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the routes over which this action takes place are not more than one mile from end to end, and the public rights-of-way on which the activity occurs have an average daily traffic of not more than 15,000 vehicles per day.

**-- 2005 REGULAR SESSION --**

Mar 2 LCRD - Majority; 1st substitute bill be substituted, do pass. Passed to Rules Committee for second reading.  
 Mar 11 Made eligible to be placed on second reading. Placed on second reading by Rules Committee.  
 Mar 15 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 48; nays, 0; absent, 1.

**- IN THE HOUSE -**

Mar 17 First reading, referred to Transportation.  
 Mar 21 TR - Executive action taken by committee. TR - Majority; do pass with amendment(s).

**SB 6095** by Senator Prentice; by request of Office of Financial Management

Recovering debts owed to the state for medical assistance.

Provides that, when an individual receives public assistance as defined in RCW 74.04.005 and the individual is the holder of record title to real property or the purchaser under a land sale contract, the department of social and health services may present to the county clerk for recording in the deed and mortgage records of a county a request for notice of transfer or encumbrance of the real property.

Requires a title insurance company or agent that discovers the presence of a request for notice of transfer or encumbrance under this act in the deed and mortgage records when performing a title search on real property to: (1) Provide the department of social and health services with a notice of transfer or encumbrance of the real property

within thirty days of a transfer or encumbrance that results in the issuance of a certificate of title insurance; and

(2) Disclose the presence of the request for notice of transfer or encumbrance in any report preliminary to, or any commitment to offer, a certificate of title insurance for the real property.

Declares that, consistent with 42 U.S.C. Sec. 1396(p), in the case of an individual who is an inpatient in a nursing facility, intermediate care facility for individuals with mental retardation, or other medical institution, with respect to whom the department has determined after notice and opportunity for a hearing that the individual cannot reasonably be expected to be discharged from the medical institution and to return home, the department shall file liens and seek adjustment and recovery from the individual's estate or upon sale of the property subject to a lien imposed on account of medical assistance paid on behalf of the individual.

**-- 2005 REGULAR SESSION --**

Mar 23 First reading, referred to Ways & Means.